

REMARKS

Consideration is respectfully requested in light of the foregoing Amendments, which are explained in the Remarks that follow.

Claims 21-22, 24-33, 35-38, 40-49, 51-54, 56-65, and 67-68 are pending in the application, with claims 21, 37, and 53 being the independent claims. Claims 21-22, 24, 29, 31, 35-39, 40, 45, 47, 51-54, 56, 61, 63, and 67-68 are amended. Claims 23, 34, 39, 50, 55, and 66 are canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Examiner Interview

Applicant would like to thank Examiner Hillery for the brief telephonic interview of February 24, 2005 where proposed claim amendments were discussed. The preceding claim amendments are in furtherance to those discussions, where it was indicated that such amendments, subject to additional review by the Office, would likely be allowable. Also discussed was the possible continuing need for a Terminal Disclaimer in the present application disclaiming to the 09/501,169.

With the entry of these amendments, applicant respectfully submits that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn.

Non-statutory Double Patenting

In light of the amendments to the claims in this application, as well as the 09/501,169 application, Applicant respectfully submits that the provisional non-statutory double patenting rejection has been rendered moot. If, however, the Office determines that the grounds for the

rejection remains for some or all of the remaining claims, Applicant respectfully requests that the Office contact the undersigned so that the matter may be addressed without delay.

Objections

The Office Action objected to claims 22, 25, 34-36, 38, 41, 50-52, 54, 57, and 66-68 under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant respectfully submits that this objection is rendered moot by the amendment and cancellation of the claims. As such, applicant respectfully requests that the objection be withdrawn and the claims passed to allowance.

Furthermore, applicant traverses the objection on the grounds that each dependent claim does limit the scope of the claims from which they depend. Specifically, Applicant respectfully draws attention to §§ 2173.05(h) and (o) of the MPEP, which discuss the use of “or” to allow for selective and optional groupings. Applicant respectfully submits that the groups claimed are within broader elements of the independent claims, and as such do narrow the scope of those elements. Dependent claims are directed to the same elements and, necessarily, are inserted after any groups provided within the preceding, and often independent, claim. Thus, in each instance, the claims are narrowed by the language of the dependent claims. Applicant respectfully requests that the objection be withdrawn and the claims passed to allowance.

Rejections under 35 U.S.C. § 112

The Office Action rejects claims 21-68 as being indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With respect to antecedent basis, Applicant respectfully submits that the claims have been amended to take into consideration the various groups present within the independent claims and the claims that depend therefrom. Furthermore, where required, additional claim

amendments are made to remove any overlap of terms between groups. In addition, Applicant has amended claims 31, 47, and 62 to provide additional detail as to the secure nature of the invention as claimed.

With these amendments in mind, as well as Applicant's traversal of the objection to the claims, discussed above, Applicant respectfully requests, based on the amendments which render the rejection moot and above-mentioned traversal, that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn and the claims passed to allowance.

Rejections under 35 U.S.C. § 103

The Office Action provides two rejections under 35 U.S.C. § 103(a):

1. Claims 21, 26-33, 37, 42-49, 53, and 58-65 are rejected as being unpatentable over U.S. Patent 5,706,452 A to Ivanov (hereinafter Ivanov) in view of U.S. Patent 5,745,360 A to Leone et al. (hereinafter Leone).
2. Claims 23-24, 39-40, and 55-56 are rejected as being unpatentable over Ivanov in view of Lone, and further in view of U.S. Patent 6,088,702 to Plantz et al. (hereinafter Plantz).

Applicant respectfully submits that these rejections are rendered moot by the amendment and cancellation of certain claims. Furthermore, applicant respectfully submits that amended claims are patentable over the cited references. Therefore, withdrawal of these rejections is respectfully requested. The above-mentioned amendments were not made on the basis of any rejection and are intended to place the claims in a condition to better express previously claimed features of the invention.

Conclusion

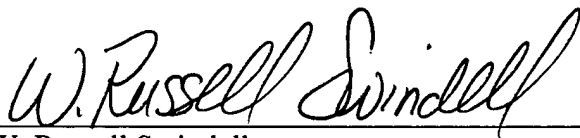
All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn.

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this amendment and reply is respectfully requested.

Respectfully submitted,

Date: March 1, 2005



W. Russell Swindell
Attorney for Applicant
Registration No. 50,906
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

#624043 v2 - Response to Final Office Action